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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,195	07/02/2001	Makoto Shimizu	Q65225	1512

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EXAMINER

WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 04/11/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary

Application No.

09/895,195

Applicant(s)

SHIMIZU ET AL.

Examiner

Gloria R Weeks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM

THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-37 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) 25-37 and 39-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-37 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Request for Reconsideration

1. This action is in response to Applicants' request for reconsideration filed March 4, 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 37-41 are rejected under 35 U.S.C. 102(b) as being anticipated by McCole (USPN 4,312,939).

With respect to claim 37, McCole discloses an apparatus for manufacturing an instant photography film unit which comprises a mask sheet (21) having an image frame (3a) and two sheets (1, 3), one of which has a photosensitive layer (column 4, lines 15-16), superposed and bonded to each other (column 5, lines 18-19), and a pod (30) storing a developing solution (column 6, lines 63-64) and disposed on the sheets in a predetermined position (column 7, lines 2-3), the arrangement being such that the developing solution supplied from the pod extends between the two sheets (1, 3) to form an image (column 8, lines 13-21), the apparatus comprising: a component supply station (18) for supplying the mask sheet (21) and the two sheets (1, 3; figure 1); a bonding station (18) for bonding the mask sheet (21) and the two sheets (1, 3) in a laminated state, with at least one of the mask sheet (21) and the two sheets (1, 3) comprising a continuous member (2, 4; column 6, lines 12-17); a cutting station (43) for cutting the continuous member to a predetermined length for thereby producing a self-developing instant photography film unit (figure 1; column 7, lines 20-23); and a component supply station (33) for

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simultaneously supplying at least one of a plurality of pods (30) storing a developing solution and a trap (34) for trapping an excessive developing solution to a marginal side edge of the image frame (3a; figure 1; column 6, lines 61-68; column 7, lines 1-10), wherein the component supply station comprises means for supplying the mask sheet (21, supply roll below station 18) and the two sheets (1, 3) as first through third continuous members (1, 3, supply roll below station 18), the arrangement being such that the first through third continuous members (1, 3, supply roll below station 18) are cut together (43) after being bonded (25, 42) to each other, and wherein the first through third members (1, 3, supply roll below station 18) are fed a plurality of pitches at a time at least at the bonding station (column 4, lines 9-14).

In reference to claim 38 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit wherein the component supply station comprises means for supplying (18) the mask sheet (21) and the two sheets as (1, 3) first through third continuous members (2, 4; figure 1), the arrangement being such that the first through third continuous members (2, 4) are cut together (43) after being bonded (18) to each other (column 6, lines 12-17; column 7, lines 20-23).

Regarding claim 39 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a beveling station (25) for beveling corners of the instant photography film unit (column 6, lines 56-60).

With respect to claim 40 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a fold forming station (41) for forming foldable thin portions on opposite marginal side edges of the image

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frame (3a) of the mask sheet (21), the foldable thin portions having a predetermined depth across the mask sheet (21; column 7, lines 11-15).

In reference to claim 41 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising an air hole forming stations (33) for forming a deformed area (34) at the trap and serving as an air passage (column 7, lines 61-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCole (USPN 4,312,939) in view of Arima (USPN 4,944,503).

In reference to claim 25, McCole discloses an apparatus for manufacturing an instant photography film unit which comprises a mask sheet (21) having an image frame (3a) and two sheets (1, 3), one of which has a photosensitive layer (column 4, lines 15-16), superposed and bonded to each other (column 5, lines 18-19), and a pod (30) storing a developing solution (column 6, lines 63-64) and disposed on the sheets in a predetermined position (column 7, lines 2-3), the arrangement being such that the developing solution supplied from the pod extends between the two sheets (1, 3) to form an image (column 8, lines 13-21), the apparatus comprising: a component supply station (18) for supplying the mask sheet (21) and the two

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sheets (1, 3; figure 1); a bonding station (18) for bonding the mask sheet (21) and the two sheets (1, 3) in a laminated state, with at least one of the mask sheet (21) and the two sheets (1, 3) comprising a continuous member (2, 4; column 6, lines 12-17); a cutting station (43) for cutting the continuous member to a predetermined length for thereby producing a self-developing instant photography film unit (figure 1; column 7, lines 20-23). McCole does not disclose a stacking and packaging station. Arima teaches a stacking and packaging station in which the stacking station automatically stacks a predetermined number of units (column 9, lines 11-23, 33-35; column 10, lines 4-6); and the packaging station automatically houses the stacked units into a pack (column 1, lines 14-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of McCole to include a stacking and packaging station for the purpose of preparing the formed instant photography film units for shipment or distribution.

Regarding claim 26 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit wherein the component supply station comprises means for supplying (18) the mask sheet (21) and the two sheets as (1, 3) first through third continuous members (2, 4; figure 1), the arrangement being such that the first through third continuous members (2, 4) are cut together (43) after being bonded (18) to each other (column 6, lines 12-17; column 7, lines 20-23).

With respect to claim 27 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a beveling station (25) for beveling corners of the instant photography film unit (column 6, lines 56-60).

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In reference to claim 28 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a fold forming station (41) for forming foldable thin portions on opposite marginal side edges of the image frame (3a) of the mask sheet (21), the foldable thin portions having a predetermined depth across the mask sheet (21; column 7, lines 11-15).

Regarding claim 29 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising an air hole forming stations (33) for forming a deformed area (34) at the trap and serving as an air passage (column 7, lines 61-65).

6. Claims 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCole (USPN 4,312,939) in view of Shimizu et al. (USPN 6,414,852).

In reference to claim 30, McCole discloses an apparatus for manufacturing an instant photography film unit which comprises a mask sheet (21) having an image frame (3a) and two sheets (1,3), one of which has a photosensitive layer (column 4, lines 15-16), superposed and bonded to each other (column 5, lines 18-19), and a pod (30) storing a developing solution (column 6, lines 63-64) and disposed on the sheets in a predetermined position (column 7, lines 2-3), the arrangement being such that the developing solution supplied from the pod extends between the two sheets (1, 3) to form an image (column 8, lines 13-21), the apparatus comprising: a component supply station (2, 4, 18) for supplying the mask sheet (21) and the two sheets (1, 3); a bonding station (18) for bonding the mask sheet (21) and the two sheets (1, 3) in a laminated state, with at least one of the mask sheet (21) and the two sheets (1, 3) comprising a continuous member (2, 4); a cutting station (43) for cutting the continuous member to a

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predetermined length for thereby producing a self-developing instant photography film unit (figure 1; column 7, lines 20-23). McCole does not disclose a free loop in a feed region.

Shimizu et al. teaches an apparatus for manufacturing photography film comprising at least one free loop (35, 37) disposed in a feed region (figure 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of McCole to include at least one free loop of Karaki et al. for the purpose of releasing tension in the feed region to allow for better positioning of the continuous members (column 9, lines 10-19).

Regarding claim 31 and its limitations as stated above, the modified apparatus of McCole in view of Shimizu et al teaches an apparatus further comprising first feed means (Shimizu et al.-rollers between 15 loop) disposed upstream of the free loop for feeding the continuous member a predetermined pitch interval at a time; and a second feed means (Shimizu et al.-rollers between 35 and 21) disposed downstream of the free loop for feeding the continuous member a predetermined pitch interval at a time (Shimizu et al.-column 7, lines 6-17).

With respect to claim 32 and its limitations as stated above, the modified apparatus of McCole in view of Shimizu et al. teaches an apparatus further comprising detecting means (Shimizu et al.-36) disposed downstream of the free loop for detecting a positioned area of the continuous member and feeding the continuous member and feeding the continuous member a predetermined number of pitches at a time with the second feed means based on the detected positioned area (Shimizu et al.-column 7, lines 16-17; column 9, lines 10-19).

Regarding claim 33 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit wherein the component supply station comprises means for supplying (McCole-18) the mask sheet (McCole-21) and the two sheets as (McCole-1,

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3) first through third continuous members (McCole-2, 4; figure 1), the arrangement being such that the first through third continuous members (McCole-2, 4) are cut together (McCole-43) after being bonded (McCole-18) to each other (McCole-column 6, lines 12-17; column 7, lines 20-23).

With respect to claim 34 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a beveling station (McCole-25) for beveling corners of the instant photography film unit (McCole-column 6, lines 56-60).

In reference to claim 35 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a fold forming station (McCole-41) for forming foldable thin portions on opposite marginal side edges of the image frame (3a) of the mask sheet (McCole-21), the foldable thin portions having a predetermined depth across the mask sheet (McCole-21; column 7, lines 11-15).

Regarding claim 36 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising an air hole forming stations (McCole-33) for forming a deformed area (McCole-34) at the trap and serving as an air passage (McCole-column 7, lines 61-65).

Response to Arguments

7. Applicant's arguments regarding claims 25-29, 37 and 39-41 have been considered but they are not persuasive. Applicant first argues that prior art McCole (USPN 4,312,939) does not disclose the first through third members being fed at a plurality of pitch increments. Examiner disagrees with Applicant's argument based on McCole column 5 lines 39-46, which discloses the members as being fed predetermined increments. This is deemed to encompass that a plurality

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of predetermined increments can be used when feeding the first and third members within the apparatus. This response can be further supported by column 5, lines 66-68 and column 6, lines 1-7.

Regarding Applicant's argument that McCole does not disclose the feed pitch of the members through the bonding station, Examiner cites column 4, lines 9-14 of McCole as a suggestion that it is well known in the art to feed continuous members in various pitches or tension rates.

Applicant further argues that prior art Arima (USPN 4,944,503) does not disclose packaging film units into a film pack. However, Arima broadly discloses packaging sheets (column 1, lines 14-19) that are cut from a continuous material into predetermined lengths. Arima goes on to disclose examples of such sheets, of which the film sheets disclosed by McCole correspond to the description provided by Arima. This response can be further supported by case law *Ex parte Masham*, 2 USPQ2d 1647 (1987), which states that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

8. Applicant's arguments with respect to claims 30-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The examiner can normally be reached on 9:30 am - 8:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7769 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1789.



grw

April 1, 2003

Gloria R Weeks
Examiner
Art Unit 3721



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700